

FOR THE EASTERN DISTRICT OF VIRGINIA

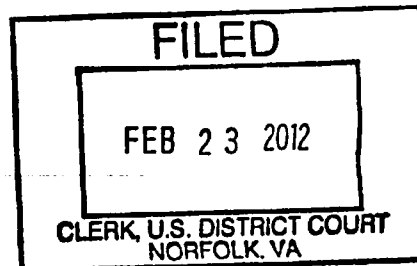
NORFOLK DIVISION

MALCO SPATES, #1199722

PETITIONER,

v.

ACTION NO: 11CV284



HAROLD CLARKE
DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS
Respondent

MOTION FOR DECLARATORY

JUDGEMENT

Here comes, PETITIONER, MALCO SPATES, prose REQUESTING THE COURTS TO DECLARE JUDGEMENT ON THE PETITIONER HABEAS CORPUS PURSUANT TO 28 U.S.C 2254. THE UNITED STATES MAGISTRATE JUDGE TOMMY E. MILLER ISSUED AN ORDER ON 1/17/2012 TO COMPEL THE VIRGINIA BEACH CIRCUIT COURTS TO TURN OVER THE TRANSCRIPTS OF THE PETITIONERS FEBRUARY 12, 2007 COURT HEARING WHICH THE PETITIONER HAS NOT RECEIVED.

THE PETITIONER BELIEVES THAT THE VIRGINIA BEACH CIRCUIT COURTS HAS VIOLATED THE COURT ORDER BECAUSE, THEY HAS NOT SUBMITTED THE TRANSCRIPT TO THE DEFENDANT OR THE FEDERAL COURTS. THE PETITIONER ASK AND PRAY THAT THE UNITED STATES DISTRICT COURTS ENTER AN JUDGEMENT FOR THE PETITIONER REVERSING HIS CONVICTION.

cc: VIRGINIA BEACH CIRCUIT COURTS

MALCO SPATES #1199722